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polarizing beam splitting surface and a polarizing state of] and the reflected light which [has] have been [reflected] split by said polarizing beam splitting surface to be mutually coincident.

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43. (Twice amended) A polarizing device according to Claim 36, wherein [right-angle] prism means is disposed on said one surface side of said substrate, [so that a slant of said right-angle prism means is abutted on said the other surface,] whereby a light is made to be incident on said transparent plate through one of mutually orthogonal surfaces [planes] of said [right-angle] prism means and the light from said transparent plate is outgoing through the other one of said mutually orthogonal [planes] surfaces.

REMARKS

I. Introduction -Claim Status

This amendment under 37 C.F.R. §§1.111 is submitted in response to the outstanding Office Action of April 26, 1999, and is accompanied by a Petition for Extension of Time with fee. The Office Action indicates that claims 36-105 are pending, and that claims 57-70 and 92-105 have been withdrawn from consideration. Applicants gratefully acknowledge the Examiner's indication that claims 71-91 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Claims 36 and 43 are herein amended for clarity. Applicants respectfully request reconsideration in view of the herewith presented amendments and remarks.

II. The 35 U.S.C. §112, ¶1 and 2 Rejections

The Office Action rejects claims 43-49 under 35 U.S.C. §112, first paragraph, as allegedly

containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. These claims are also rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. According to the Examiner's reasoning, both of these § 112 rejections relate to the "right-angle prism means".

Applicant respectfully disagrees, and submits that (i) the specification reasonably conveys to an ordinarily skilled artisan that, at the time the application was filed, Applicants had possession of the claimed invention and (ii) the language identified by the Examiner is clear in light of the specification, such that it does not render the claimed subject matter indefinite. Nevertheless, these §112 rejections are obviated and rendered moot by Applicants' amendment to the claims.

Accordingly, Applicants respectfully request withdrawal of the claim rejections under 35 USC §112, ¶¶1 and 2.

III. The Prior Art and The Double Patenting Rejections

Based on a single prior art reference to Tsuboi, the Office Action rejects (i) claims 36, 43 and 50 under 35 U.S.C. 102(b) as being anticipated, and (ii) claims 37, 38, 44, 45, 51 and 52, as well as claims 39-43, 46-49 and 53-56, under 35 U.S.C. 103(a) as being obvious.

Additionally, the Office Action rejects claims 36-42 and 50-56 under the judicially created doctrine of double patenting over claim 1 of U.S. Patent No. 5,751,480, since allegedly the claims, if allowed, would improperly extend the "right to exclude" already granted in the Patent.

Applicants respectfully disagree with these rejections, and submit that the herein amended claims (i) are neither anticipated nor rendered obvious by the Tsuboi reference, individually or in combination with the prior art of record, and (ii) are patentably distinct over claim 1 of U.S. Patent No.

5,751,480 ("the '480 patent).

Neither Tsuboi nor claim 1 of the '480 patent disclose or suggest providing a half wavelength plate so as to cause the polarizing direction of the transmitted and the reflected light which have been split by the polarizing beam splitting surface to be mutually coincident, as recited in Applicants' claimed invention. Thus, Applicants' claimed invention is patentably distinct over Tsuboi as well as claim 1 of the '480 patent.

Accordingly, Applicants respectfully request withdrawal of the rejections of (i) claims 36, 43 and 50 under 35 U.S.C. 102(b), (ii) claims 37, 38, 44, 45, 51 and 52, as well as claims 39-43, 46-49 and 53-56 under 35 U.S.C. 103(a), and (iii) claims 36-42 and 50-56 under the judicially created doctrine of double patenting.

II. Conclusion

In view of the above amendments and remarks, Applicants respectfully submit that the application is in condition for allowance. Reconsideration and withdrawal of the Examiner's rejections is respectfully requested and allowance of all pending claims is respectfully submitted.

If any outstanding issues remain, or if the Examiner has any suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number below.

An early and favorable action on the merits is earnestly solicited.

AUTHORIZATION


The Assistant Commissioner is hereby authorized to charge any additional fees which may be required for this amendment, or credit any overpayment to Deposit Account 13-4500, Order No. 1232-4046US2.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Assistant Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 1232-4046US2. A
DUPLICATE OF THIS SHEET IS ATTACHED.

Respectfully submitted,

Morgan & Finnegan, L.L.P.

Date: October 26, 1999

By: 
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Reg. No. 36,659

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